

EXHIBIT C

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, et al.,)

Plaintiffs,)

v.)

JETBLUE AIRWAYS CORPORATION and)
SPIRIT AIRLINES, INC.,)

Defendants.)

Case No.

1:23-cv-10511-WGY

GABRIEL GARAVANIAN, et al.,)

Plaintiffs,)

v.)

JETBLUE AIRWAYS CORPORATION and)
SPIRIT AIRLINES, INC.,)

Defendants.)

Case No.

1:23-cv-10678-WGY

REMOTE VIDEOTAPED DEPOSITION OF

SARA NELSON

June 20, 2023

Reported by: Rebecca A. Graziano, CSR, RMR, CRR
Texas CSR 9306
California CSR 14407
Illinois CSR 084.004659

1 representation.

2 Q And at some point, did AFA take a position
3 either in support or in opposition to the
4 JetBlue-Spirit merger?

5 A We did take a position in support of the
6 merger once we had nailed down all of the
7 protections that are required for our union. So
8 that -- in addition to the requirements that we
9 had demanded from Frontier. Because there was a
10 contract open at Spirit, we also demanded that the
11 Spirit contract negotiations come to a conclusion.

12 So we demanded our seniority
13 protections, we demanded protections around
14 contract bargaining in a post-merger environment,
15 and we demanded that there be a closeout of
16 contract negotiations at Spirit in the near term
17 before our support was gained.

18 MS. WRIGHT: Let's pull up Nelson
19 Tab 1, please.

20 (Nelson Exhibit 1 marked.)

21 BY MS. WRIGHT:

22 Q And, President Nelson, let us know if you
23 see this populate in your folder. It's -- or if
24 you're able to see it on the screen.

25 A Yeah. Yes, I can see it in both places,

1 actually.

2 Q Okay. Excellent.

3 So I'm showing you a document that's
4 being marked as Exhibit 1, which is a copy of a
5 press release from AFA dated February 21st, 2023,
6 and entitled "AFA-CWA Adds Full Support to
7 JetBlue-Spirit Airlines Merger After Securing
8 Immediate Improvements and Protections
9 Post-Merger."

10 Are you familiar with this document?

11 A Yes. I wrote it.

12 Q The first sentence describes a tentative
13 agreement reached with Spirit Airlines. What was
14 the tentative agreement?

15 A The tentative agreement is what I was
16 referring to previously. We had open contract
17 bargaining with Spirit under the Railway Labor Act
18 that's called Section 6 bargaining, and this was a
19 tentative agreement closing out that bargaining
20 for what you might refer to in the industry as a
21 short-term contract. This was two years and eight
22 months long with immediate double-digit raises,
23 and the scheduling improvements that we had been
24 able to negotiate up to that point in
25 negotiations.

1 Q And what were some of the other benefits
2 that were included in the tentative agreement for
3 AFA flight attendants?

4 A There were -- there were -- very
5 importantly, scheduling and reroute protections
6 for flight attendants that addressed some of the
7 concerns that had been expressed not only at
8 Spirit but across the industry by flight
9 attendants with the disruption after the pandemic
10 and the -- several operational meltdowns that we
11 all read about in the press. And the list
12 actually was quite long, because we had been in
13 negotiations for a year, so we had several
14 noneconomic items that were of benefit to the
15 Spirit flight attendants.

16 We had a longer list of issues that we
17 had intended to address in these negotiations, but
18 we chose to close out the contract negotiations
19 then in order to lock in these pay and scheduling
20 improvements and to be in a better position in the
21 merger than to negotiate more in a joint
22 collective bargaining agreement.

23 That's on the Spirit side. So we
24 needed assurances from JetBlue as well.

25 Q And if we could scroll down to see

1 Tentative Agreement 2023."

2 Are you familiar with this document?

3 A Yes.

4 Q And what is this?

5 A This is the booklet that went out to all
6 the Spirit flight attendants along with their
7 voting instructions. This describes what's in the
8 tentative agreement and gives -- and includes a
9 Q&A and gives them their voting instructions.

10 Q And was the tentative agreement ratified?

11 A It was ratified.

12 Q When the agreement was ratified, did AFA
13 members working for Spirit Airlines see any
14 immediate benefits?

15 A Yes. They saw immediate benefits. In
16 fact, there -- not long after this was ratified,
17 there was a flood at the Fort Lauderdale Airport
18 that disrupted their work, and they immediately
19 got the improved pay and rescheduling provisions
20 that were in the tentative agreement applied to
21 their experience on their job, which gave them
22 more flexibility, protections, and allowed them to
23 get home sooner and included pay protections.

24 That was in addition to the
25 double-digit raises that were somewhere between --

1 depending upon where they were in the pay scale,
2 somewhere between 10 and 27 percent wage
3 increases.

4 MS. WRIGHT: Let's move next to
5 Tab 3, please.

6 (Nelson Exhibit 3 marked.)

7 THE WITNESS: I'm having a little
8 bit of a hard time accessing this on my
9 computer. I'm just wondering, as a
10 technical matter, how I might access the
11 next exhibit.

12 THE VIDEOGRAPHER: If you hit
13 refresh on your browser, it will show up.

14 THE WITNESS: It did it that time.
15 Okay. Thank you.

16 BY MS. WRIGHT:

17 Q Are you able to see it okay?

18 A Yes.

19 Q Okay. Excellent.

20 So, President Nelson, we're showing
21 you a document that's being marked as Exhibit 3,
22 and this is a letter that's dated February 24th,
23 2023, to Attorney General Merrick Garland and the
24 secretary of transportation from you on behalf of
25 the AFA.

1 Are you familiar with this document?

2 A Yes.

3 Q And what is this document?

4 A This document -- this document is a filing
5 on the docket that contained supportive or
6 opposition statements on the merger.

7 Q And are you expressing support for the
8 merger in this document?

9 A Yes.

10 Q And why does AFA support the
11 Spirit-JetBlue merger?

12 A There's several reasons that we support
13 the Spirit-JetBlue merger. And if I may, I am
14 going to reference the earlier document that you
15 had up to remind myself.

16 So there's no two-tiered employment in
17 this merger, which is not something that we have
18 seen anywhere else in any other merger across the
19 industry. What we mean by that is that about
20 45 percent of the lift for -- of the domestic lift
21 for United, American, and Delta is on regional
22 jets that are contract work for those mainline
23 carriers. In some case, they are subsidiaries of
24 those major airlines.

25 In -- on average, workers who are

1 working on those regional jets, even though
2 oftentimes they're flying the same routes, doing
3 the same work, serving the same passengers who
4 bought their tickets on the same website, make
5 around 45 percent less and have -- and have lesser
6 benefits such as health care and retirement, and
7 not as -- best scheduling protections either.

8 So the JetBlue-Spirit merger does not
9 plan to use any regional jets. What this does is
10 this immediately dilutes the two-tiered employment
11 that has become so common in this industry and is
12 a huge problem for the vast majority of the
13 airlines that we represent. There's a lower
14 number of flight attendants at each of them, but
15 in terms of the airlines that we represent, this
16 is a large number of the people that are concerned
17 about our jobs and lifting up our careers, and we
18 have had a long-standing mandate within our union
19 to try to obliterate this two-tiered employment in
20 the industry.

21 So right off the bat, a long-standing
22 objective of our union is addressed by this
23 merger, simply with the merger plan, and I should
24 just note that we recognized going into this
25 process that we were in a better power position,

1 and I can talk about how we plan to be in a good
2 power position to get the best results for flight
3 attendants. This is the first merger that we
4 haven't ever enthusiastically supported, I should
5 say, but we believe that is partially due to the
6 election of Joe Biden and an administration that
7 is going to look with a much more skeptical eye on
8 mergers. And not to take anything away from
9 JetBlue, but we think that that probably was very
10 helpful in putting this merger together to be more
11 worker friendly and more consumer friendly.

12 So the no two-tiered employment, more
13 and better jobs, JetBlue also intends to insource
14 the jobs that are currently outsourced at Spirit.
15 This includes gate agents, baggage handlers.
16 These are all the people that flight attendants
17 interface with on a daily basis, and that would
18 immediately improve just by insourcing, even
19 before unionization, and potential for bargaining
20 for more.

21 In most cases, that takes workers from
22 typically a minimum wage job, very often without
23 benefits, into a high pair -- a higher paid job
24 with benefits that are provided to the JetBlue
25 employees. So we were supportive of it for that

1 reason as well, in addition to the fact that we
2 had used the merger to put pressure on Spirit to
3 close out those -- that contract bargaining with
4 us before Spirit was even making a profit. So our
5 members, too, were getting better jobs immediately
6 because of the merger, because -- even just the
7 proposed merger.

8 Safety and comfort, a huge issue for
9 us, of course, that has been in the news a lot,
10 has been the violence against flight attendants
11 and other passengers. Usually flight attendants
12 and gate agents are most often the recipients of
13 this violence. And there are many reasons for it,
14 but a lot of times these outbursts come with
15 humanity being packed in together in a small
16 space. Typically over -- fighting over where
17 they're putting their luggage, it was someone
18 putting a seat back. The more cramped that is,
19 the more often that that leads to conflict.

20 And we also have expressed concern
21 through the FAA Reauthorization bill and
22 regulatory filings our concern around evacuation
23 standards in the aircraft cabin today and seat
24 pitch having a major component to that. So moving
25 all the Spirit Airlines from the worst seat pitch

1 in the industry at 28 inches -- and this is the
2 minimum standard of each airline, I should say --
3 to the highest standard for that minimum in the
4 industry at JetBlue, 32 inches, is an immediate
5 improvement on safety and comfort for consumers
6 and less -- less likely to contribute to an
7 aggression in the cabin.

8 We also supported this merger because
9 of what I described to you before. We called it
10 the -- we call it the "antimerger merger,"
11 actually giving competition both for workers and
12 consumers with the Big Four and an opportunity for
13 us to advance our jobs.

14 Q And just so it's clear on the record,
15 President Nelson, were you looking back at
16 Exhibit 1, the press release, from February
17 of 2023 as you provided that answer?

18 A Yes. Thank you for that clarification.

19 Q Thank you.

20 So turning back to Exhibit 3, at the
21 top of Page 2, you wrote that "JetBlue management
22 committed in writing to engage in expedited
23 negotiations for the joint collective bargaining
24 agreement."

25 Can you explain, please, what that

1 achieved a tentative agreement for a short-term
2 contract that provides immediate double-digit
3 raises and scheduling improvements for Spirit
4 flight attendants, as well as continued
5 contractual raises during the merger process."

6 A Yes.

7 Q Have I read that correctly?

8 A Yes.

9 Q Am I correct in understanding that Spirit
10 flight attendants will be paid more through the
11 merger process?

12 MS. WRIGHT: Object to form.

13 THE WITNESS: We have set it up for
14 that to happen, yes.

15 BY MS. RIBLET:

16 Q How important was the tentative agreement
17 promising higher pay in your consideration of
18 whether to support the proposed merger?

19 A It was fundamental to our support, not
20 the -- not the only reason, but it was critically
21 important, and that is because of our experience
22 in other mergers where negotiations had been set
23 aside in favor of the merger and workers fell
24 behind at other airlines because those
25 negotiations were not concluded.